

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALINE TURNER,

Plaintiff,

vs.

NEWREZ LLC, *et al.*,

Defendants.

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Case No. 4:24-cv-00904-MTS

MEMORANDUM AND ORDER

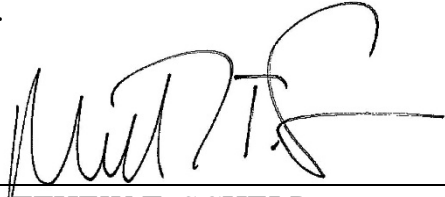
This matter is before the Court on review of the file. It appears that when Defendant NewRez LLC removed this action, Plaintiff had not yet served Defendant Regency Centers Corporation of Florida. Pursuant to Federal Rule of Civil Procedure 4(m), if a defendant is not served within ninety days after the complaint is filed, the Court “must dismiss the action without prejudice against that defendant” or “order that service be made within a specified time.” Fed. R. Civ. P. 4(m). In cases removed to federal court, the ninety-day period under Rule 4(m) runs from the date of removal, not the date the plaintiff filed the petition in state court. *Taylor v. Clark Equip. Co.*, 4:22-cv-00201-SRC, 2022 WL 1640372, at *6 (E.D. Mo. May 24, 2022) (collecting cases). Over ninety days now have passed since removal.

Accordingly,

IT IS HEREBY ORDERED that, no later than **Friday, December 27, 2024**, Plaintiff must serve, and file proof of such service, Defendant Regency Centers Corporation of Florida. The failure to file proof of service of Defendant Regency Centers

Corporation of Florida by that date will result in dismissal of the action against that Defendant without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

Dated this 5th day of December 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE